REMARKS

The Examiner is thanked for the Official Action of July 9th, 2009. This request for reconsideration is submitted along with the attached amendment and is intended to be fully responsive thereto.

Rejections under 35 U.S.C. § 103(a)

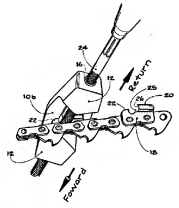
In the Office Action of July 9th, 2009, the Examiner reasserts the rejection of Claim 1 over Japan 61-24121 ('121) in view of Ballew and Aksamit. Applicant disagrees for at least the following reasons.

To establish *prima facie* obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. MPEP 2143.03. Here, Applicant believes that the Examiner presents motivation to combine the references based on a misreading of the references. Because all of the elements are not disclosed in the references it would not have been obvious to combine them to arrive at the present invention.

Regarding numbered paragraph 2 of the Office Action:

The Examiner has stated that "to provide side wall faces on the lower surface of the guide body (in the chainsaw sharpener of Japan '121) to aid in aligning the grinding tool with respect to the chain saw blade would have been obvious in view of Ballew. Applicant respectfully disagrees. The question is where and what the wall faces of Ballew contact. The shape of the wall faces of the file guide of Ballew are not designed to contact the guide bar of the chainsaw, but to contact the side wall faces of the chain. The Examiner is directed to Fig. 1 of Ballew shown below. When referencing this figure and the specification of Ballew it is obvious that Ballew has nothing to do with the guide bar and that Ballew only deals with the faces of the chain. Furthermore, in Ballew, the wall face of only one of the opposing wall faces forming an X-shape is designed to contact the side wall faces of the chain, as is clearly shown in

Fig. 1. These features of Ballew make the present invention distinctly different from Ballew and thus it would not be obvious to combine the structure of Ballew with the other cited references.



Ballew, Fig. 1

Next, the Examiner has stated that Aksamit discloses a chainsaw sharpener having guide wall faces which are pressed against a guide bar of the chainsaw to stabilize the sharpening tool during use. This is somewhat true, but still is structurally different from the present invention.

The guide wall faces 14, 16 of Aksamit are not structured to be pressed against the guide bar of the chainsaw by the user. Aksamit states in part that "During the grinding operation, the frame 10 may be held in place on the cutter bar by hand, or by thumb screws, or by any other holding devices, such as the resilient clamping pads disclosed in U.S. Pat. Ser. No. 4, 173,908 to Aksamit. In the preferred embodiment, however, the **sidewalls 14 and 16 taper inwardly, as shown in Fig. 3 to create a clamping action when fitted over the cutter bar."** In other words, the guide wall faces of Aksamit are either held in place independently by the operator's hand, or the sidewalls 14 and 16 have to be tapered inwardly. This tapering is ineffective for at least two reasons. First, it would make it difficult to place the sidewalls over the cutter bar due to the tapering, and second the tapering cannot provide substantial support or clamping ability. This is structurally different from the present invention. In the present invention when the user pushes toward the cutter bar the guide wall faces actively press against the cutter bar due to the user's forward force, thus securing the guide to the cutter bar.

Further, the rotational tool of Aksamit is not securely attached to the sharpening tool, as

it is in the present invention. Because it is not securely attached it would be impossible to provide the user pressure, as is taught in the present in invention. It is clear both from the specification and the figures of Aksamit that the above is true. FIG. 3 and FIG. 5 of Aksamit as well as lines 47-48 on column 3 of Aksamit clearly show and describe "the bearing section 86 is of slightly smaller diameter than transverse hole 55". This indicates that the mandrel (shaft) 82 is inserted and held in the tube (guide bushing) 54 so as to be movable back and forth therein. Thus, even if the mandrel 82 together with the electric motor is pushed forward, the guide wall faces 14, 28 are not pressed against the guide bar because mandrel is not securely attached to the electric motor. There is no such description in Aksamit, either. In order to press the guide wall faces 14, 16 of Aksamit against the guide bar of the chainsaw, the frame 10 is required to be held and pressed by a hand of a sharpening worker.

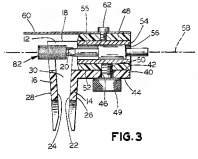


FIG.3

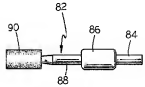
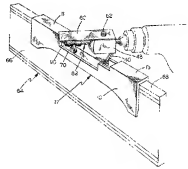


FIG.5



According to the Examiner, all the cited references, Aksamit, Japan '121 and Ballew, are common in that they all have a motor or file handle which is held by a hand of a sharpening worker to press wall faces against a guide bar. However, structurally they are all quite different. For example, the file guide of Ballew is structured such that the file 24 is movable back and forth relative to the reference plate 10. The file guide of Ballew is not structured to be pressed against the reference plate 10. In addition, the wall face of the reference plate 10 is not pressed against the guide bar, but contacts the side wall faces of the chain.

Finally, the Examiner stated that "to simply extend the depending side wall faces on the chainsaw sharpening tool of Japan '121 to contact the chainsaw guide bar in order to stabilize the sharpening tool during use, for more precise sharpening of the cutting edges, would have

been obvious in view of Aksamit". Applicant respectfully disagrees with the Examiner.

Assuming that the depending side wall faces on the chainsaw sharpening tool of Japan '121 are side wall faces (without reference numerals) on both sides of the contact plates 16, then such side surfaces, even if simply extended, would not contact the chainsaw guide bar. This is evident e.g. from FIG. 3(a) and FIG. 3(b). Referring to FIG. 3(a) of Japan '121, one of the side wall faces contacts the chain while the other side wall face is positioned apart from the guide bar. On the other hand, referring to FIG. 3(b), one of the side wall faces sits on the chain while the other side wall face is positioned apart from the guide bar. These side wall faces serve as a spacer to prevent inclination of the contact plates 16 in the horizontal direction along the chain when the contact plates 17 are placed on the chain. Thus, the side wall faces of Japan '121 are completely different structurally from the side wall faces of Aksamit in shape, purpose and effect. Accordingly, a simple extension of the side wall faces of Japan '121 will not cause those faces to be pressed against the guide bar, and it is completely impossible to consider that such side wall faces are obvious from Aksamit.

Regarding numbered paragraph 3 of the Office Action

(1) The Examiner has stated that "such stabilization of the sharpener in Japan '121 is deemed to be taught by Aksamit". Applicant does not comprehend the reasoning behind the Examiner's statement. The sharpener stabilization taught in Japan '121 is to merely place the horizontal contact plates 16 on the chain. '121 has nothing to do with the guide bar. Thus, it is not understandable why the side wall of Aksamit that contact the guide bar are obvious from the disclosure of Japan '121.

(2) The Examiner has stated that "Ballew was applied as before, for the teaching of providing side wall faces on the lower surface of the guide body to aid in aligning the grinding tool with respect to the chain saw blade".

It is true that the side walls of the file guide of Ballew aid in aligning the grinding tool

with the chain saw blade. However, the side walls of the file guide of Ballew are shaped to contact the side face of the chain, and are not shaped to specifically contact the guide bar of the chainsaw, as is taught in the present invention. Even if the side walls of the file guide of Ballew are contacted to the side face of the chain, the blade (cutter blade) is not stabilized thereby because the chain itself wobbles.

(3) The Examiner has then stated that "applicant's new limitation in claim 1 of the wall faces pushing against the guide bar of the chain saw is deemed taught by Aksamit".

Applicant respectfully disagrees. As explained above, in Aksamit, the wall faces are not structured to be pressed against the guide bar of the chainsaw.

(4) The Examiner has finally stated that "note that the side walls in Aksamit contact the sides of the chainsaw bar, and allow the sharpening worker to push the electric motor to apply a force to bias the wall faces against the side of the guide bar, while maintaining a predetermined orientation of the grinding tool with respect to the chainsaw tooth being sharpened". As argued above, this interpretation of Aksamit is erroneous. Aksamit does not disclose any structure in which an application of force to an electric motor causes the wall faces to be pressed against the side faces of the guide bar. It is clear from the figures and specification of Aksamit that the electric motor is not securely attached to the sharpening tool guide and that the motor and the mandrel (attached thereto) are inserted through a transverse hole. (Please see figures above). The Examiner is directed to column 3, lines 67 through column 4 lines 1-10, specifically, "Sharpening tool guide 48 is then attached **loosely** to support bracket **40**, and mandrel 82 is inserted, root first, through transverse hole 55." Due to this structural configuration it would be impossible for the user to apply force to the mandrel (and power tool) that would cause a resultant force to be applied to the sharpening tool thus causing an application of pressure that would bias the wall faces against the side of the guide bar, while maintaining a predetermined orientation of the grinding tool with respect to the chainsaw tooth being sharpened, as argued by the Examiner.

In order to clarify the application and to advance prosecution Applicant has amended

claim 1 to read "wherein mounted on and forward of the electric motor (3) of a sharpener body (2) via a mounting portion (3a) is a guide body (8) having, formed therein, an upper plate face (80) and wall faces (81a, 81c, 81d, 81b) being pressed such that manually pushing said electric motor toward a guide bar of the chainsaw causes said wall faces to press against a said guide bar (40) of the chainsaw." Further, Applicant amends claim 1 by incorporating therein a limitation **"a guide portion (87) is a narrow portion of the upper plate face (80) extending in a front-to-back direction"** which is described in lines 13 to 15 of page 11 of the specification of the present application. It is clear that this amendment makes claim 1 more distinctly different from Japan '121, Aksamit or Ballew or any combination of these cited references.

Finally, the Examiner is requested to note the feature of the chainsaw sharpener of the present invention again. The chainsaw sharpener of the present invention which has a structure as recited in claim 1 (currently amended) as well as functions and effects that (i) the wall faces of the guide body can push forward the guide bar of the chainsaw by pushing forward the electric motor held by a sharpening worker to press the wall faces of the guide body against the guide bar, thereby stabilizing the operation of the chainsaw sharpener, and that (ii) **a guide portion (87) is provided for pressing from above (see, FIG. 12 of this application), the cutter blade (32) (either left or right) to be sharpened so as to prevent the cutter blade from wobbling or tilting.** In summary, for the reasons as set forth above, Japan '121, Aksamit or Ballew or any combination of these cited references do not teach or suggest the chainsaw sharpener of the present invention having the structure, functions and effects as argued above.

Conclusion

In view of the above, Applicant respectfully submits that Claim 1 recites statutory subject matter that is novel and new, is subject matter of the present invention and is fully supported in the disclosure of the present invention, and therefore respectfully requests that Claim 1 be found allowable and that this application be passed to issue. No new matter has

been included.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 50-2069, **referencing docket number 054-602**.

Respectfully submitted,

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